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Docket No.: 1614.1163

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Fujio MORITA

Serial No. 09/841,038

Group Art Unit: 2162

Confirmation No. 6609

Filed: April 25, 2001

Examiner: Jean B. Fleurantin

For: SEARCH SUPPORT DEVICE AND METHOD, AND RECORDING MEDIUM STORING
PROGRAM FOR COMPUTER TO CARRY OUT OPERATION WITH SAID SEARCH
SUPPORT DEVICE

Mail Stop – Appeal Brief - Patents

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

APPELLANT'S BRIEF IN REPLY UNDER 37 C.F.R. § 41.41

Sir:

in response to the Examiner's Answer mailed July 13, 2007 in the above-identified
application, Appellant submits this Reply Brief.

(9) GROUNDS OF REJECTIONS

The grounds of rejection listed in the Examiner's Answer at pages 3 to 7 are more specific than the rejections listed in the final Office Action mailed August 10, 2006, and therefore the following remarks supplement the Appeal Brief.

Claims 1-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the "Related Art" section of the specification in view of the Japanese Patent No. 10031683A to Haruhiro ("Haruhiro").

Relative to independent claims 1 and 12's recitation "wherein, when a new keyword is searched for by using a combination of a plurality of upper level keywords, the registration unit **generates a lower level category** corresponding to the new keyword, and **registers the lower level category in a manner to be linked to an upper level category**" (emphasis ours), the Examiner newly asserts (see page 4, lines 1-2 and page 6, lines 20-21 of the Examiner's Answer) "bookmark is registered, so that the homepage can be promptly accessed by simply selected the URL address from a list of registered bookmark." The Examiner indicates page 2 lines 18-25 of the original application as support for this assertion. However, even if the Examiner's assertion is correct, it does not address the recited features of "[generating] a lower level category corresponding to the new keyword" and "[registering] the lower level category in a manner to be linked to an upper level category." There are no upper level or lower level categories in the prior art. As opposed to claim 1 and 12, respectively, in the prior art, the bookmarks are merely listed and not structurally arranged in an upper levels and lower levels.

(10) RESPONSE TO ARGUMENTS

In the Appeal Brief, relative to claim 1, Appellant argued (Argument A on page 7 therein) that cited prior art does not teach or suggest the recited feature that a search unit determines "a hierarchical category of an address designated for registration based on a definition entry and a selection record of a menu." The Examiner's answer does not address this argument relative to claim 1. However, in the context of responding to arguments related to claim 3, on page 9 on lines 5-6 under the subheading Response, the Examiner alleges that merely describing the prior art engines as being hierarchical discloses the above identified feature. Appellant disagrees because at least the specific feature that the "address [is] designated for registration **based on a definition entry and a selection record of a menu**" is not disclosed by merely stating that the

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search engines are hierarchical.

In the Appeal Brief, relative to claim 3, Appellant argued (see Argument B at bottom of page 8 and first half of page 9) that the portion of the "Background Art section" indicated in the final Office Action as relevant for the recitation "determining a category of an address [...] based on a definition entry and a selection record menu" teaches away from the recited feature, pointing out that the disadvantage of the prior art's manner of recording bookmarks is such that it makes it difficult to retrieve a desired bookmark. The Examiner's Answer does not address this argument, but merely repeats the position stated in the Office Action.

On page 8 of the Examiner's Answer, the Examiner puts forth a rebuttal to the Appellant's argument of lack of motivation to combine teachings relative to a software search engine as described in the "Background Art" section of the application, with a hardware/software method of storing data in servers for WWW disclosed in Haruhiro. Haruhiro's storage of web-pages hierarchically organized in the groups of WWW servers, is fundamentally different from storing addresses indicating a location of information accessible on a network in categories hierarchically organized. The alleged motivation to combined, while being one of the achieved goals of Haruhiro's invention, is not related to the problems that are overcome by embodiments recited in the claims of the present application.

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CONTINGENT AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT AND

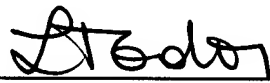
CONTINGENT PETITION FOR EXTENSION OF TIME

Appellants hereby petition for any extension of time that may be required to maintain the pendency of this case, and any required fee for such extension is to be charged to Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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